

U.S. Patent Application Serial No. 10/083,605
Response dated October 21, 2003
Reply to OA of **July 29, 2003**
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REMARKS

Claims 1 and 3 are pending in this application. By this Response, claims 1 and 3 are being amended to further clarify the present invention. Applicant respectfully believes that no new matter has been added, and that this Response is fully responsive to the final Office action mailed **July 29, 2003** (Paper No. 5).

Applicant and Applicant's attorney thank Examiner Lowell A. Larson for the Interview courteously granted October 16, 2003. The items discussed during the Interview October 16, 2003 include: the rejection under the first paragraph of 35 USC § 112 in the final Office action mailed July 29, 2003 (Paper No. 5); claims 1 and 3; and opening and closing sliding members in lateral and longitudinal directions.

Claims 1 and 3 stand rejected under the first paragraph of 35 USC § 112 as failing to comply with the written description requirement. Claims 1 and 3 are amended to overcome the rejection under the first paragraph of 35 USC § 112. The amendments to claims 1 and 3 are supported by FIG. 5, and by lines 23-24 of page 9 of the specification. FIG. 5 shows the lateral movement of teeth 134 in relation to wire 15.

As discussed during the Interview, Applicant respectfully believes that claims 1 and 3, as amended, comply with the written description requirement, because FIG. 5 and page 9 of the

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specification disclose the lateral movement.

In the final Office action mailed July 29, 2003 (Paper No. 5), the Examiner did not reject any claims under 35 USC §§ 102, 103. In the previous Office action mailed April 17, 2003 (Paper No. 3), the Examiner rejected claims 1-3 under 35 USC § 102 as being anticipated by US Pat. 6,243,947 (**Fujita '947**). However, Applicant respectfully believes that, in the rejection of claims under 35 USC § 102 in Paper No. 3, the Examiner did not satisfy the requirements of a rejection of claims under 35 USC § 102. In particular, the Examiner failed to demonstrate how **Fujita '947** could describe each and every element as set forth in the claims. In Paper No. 3, the Examiner merely alleged that **Fujita '947** "discloses beating in Figure 23, an expanding pipe in Figure 24 and folding in Figure 25" (Paper No. 3, p. 2). No further explanation was offered by the Examiner. Apparently, the Examiner relied solely on FIGS. 23-25 of **Fujita '947** in the § 102 rejection.

In Paper Nos. 3 and 5, the Examiner did not address the claimed openable-and-closable expanding teeth, sliding members fixing the respective expanding teeth, and driving means to open and close the sliding members. The teeth, sliding members, and driving means were set forth in claim 2, as originally filed. In the claims now pending, claims 1 and 3 feature teeth, sliding members, and driving means.

Applicant respectfully submits that FIGS. 23-25 of **Fujita '947** fail to depict claimed features

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such as, for example, driving means to open and close a pair of sliding members, as set forth in claims 1 and 3.

Applicant respectfully submits that the Examiner has not yet explained how Fujita '947 or any other reference could describe the foregoing features set forth in claims 1 and 3.

Furthermore, Applicant respectfully submits that the Examiner has not yet explained how Fujita '947 or any other reference could teach or suggest the foregoing features set forth in claims 1 and 3.

Entry of the foregoing amendments is proper under 37 CFR § 1.116 because those amendments comply with requirements of form expressly set forth in the previous Office action or present rejected claims in better form.

Accordingly, in view of the foregoing, claims 1 and 3, as amended, are respectfully believed to be in condition for allowance, which action, at an early date, is respectfully requested.

If the Examiner feels that this application is not currently in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney at the telephone number indicated below to arrange for a telephone conference to expedite the disposition of this case.

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In the event that this paper is not timely filed, Applicant respectfully petitions for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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